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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,107

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Robert Bruce Mahaffey

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7590

11/14/2006

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EXAMINER

SHAH, AMEE A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,107

Applicant(s)

MAHAFFEY ET AL.

Examiner

Amea A. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-26 are pending in this action.

#### ***Election/Restrictions***

Applicant's election without traverse of Species C, claims 1-16 and 18-26 in the reply filed on September 14, 2006 is acknowledged.

Claims 16 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 14, 2006.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 202. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Examiner Notes***

(1) Claims 21 and 25 recite the limitation “an accessible website.” The term “accessible” will be interpreted in the broadest reasonable manner to mean accessible through a personal computer or any other device.

(2) Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 4-15 and 18-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Owens, US 2003/0004831 A1 (hereafter referred to as “Owens”).**

Referring to claim 1. Owens discloses a system for providing a shopping guide to shoppers of a retail business (*at least* Abstract), comprising:

- a website (Fig. 4 and ¶0195, i.e. the Grocery Shopping Web Site);

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- a server interconnected to the website (Fig. 4 and ¶0195); and
- a presentation means coupled to the server, configured to have specifications for retail products input through the website (Fig. 4 and ¶¶0197-0200, i.e. the user workstations, kiosk or personal digital assistant);
- wherein the server is configured to pass product information and retail store information, including product location information about the specified retail products to the presentation means (¶¶0062, 0208 and 0214); and
- wherein the presentation means is configured to present a shopping guide which includes the product information and the retail store information, including the product location information (¶¶0067, 0208 and 0214 – note the guide is the shopping list with product information which can include product location in the retail store).

Referring to claim 2. Owens also discloses the system of claim 1 further comprising a retrieval means coupled to the server wherein the server is further configured to obtain from the retrieval means product information and retail store information, including product location information, about the specified retail products (Fig. 4 and ¶¶0196, 0197, 0200, 0201, 0208 and 0214 – note that the Grocery Shopping Web Site retrieves information from the Retail Grocery Store Web Sites, manufacturers, and advertisers).

Referring to claim 4. Owens further discloses the system of claim 2 wherein the website is further configured to receive customer identification information from the shopper and the server is further configured to obtain from the retrieval means customer profile information

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about the person identified by the customer identification information (Fig. 36 and ¶¶0206-0208 and 0218).

Referring to claim 5. Owens further discloses the system of claim 2 wherein the server is further configured to interact with the shopper through the website and wherein the server is further configured to request demographic information and shopping habit information from the shopper (Fig. 37 and ¶0218).

Referring to claim 6. Owens further discloses the system of claim 5 wherein the server is further configured, responsive to the demographic information and shopping habit information requested by the server, to obtain product information and retail store information, including product location information (Figs. 38-43 and ¶¶0208, 0211, 0214, 0218 and 0232 – note the server obtains the stores associated with the user's profile and displays advertisements, i.e. product information, relevant to the user's shopping list).

Referring to claim 7. Owens further discloses the system of claim 2 wherein the server is further configured to reference in the shopping guide a retail product not specified by the shopper (¶¶0211 and 0232).

Referring to claim 8. Owens further discloses the system of claim 2 wherein the server is further configured to interact with the shopper through the website and the server is further configured to reference a retail product not specified by the shopper (¶¶0211 and 0232).

Referring to claim 9. Owens further discloses the system of claim 2 wherein the server is further configured to interact with the shopper through the website, and wherein the server is further configured for the shopper to select a retail location of the retail business through the interaction (Figs. 38-43 and ¶¶0218-0219).

Referring to claim 10. Owens further discloses the system of claim 9 wherein the server is further configured to obtain information about an event occurring at the retail location (¶¶0222 and 0268 – note the event is the in-store promotion).

Referring to claim 11. Owens further discloses the system of claim 2 wherein the server is further configured to obtain information about retail store locations from the retrieval means, and wherein the server is further configured to include information about one or more retail store locations for the shopper in the shopping guide (Figs. 38-43 and ¶¶0218-0219).

Referring to claim 12. Owens further discloses the system of claim 2 wherein the server is further configured to interact with the shopper through the website, and wherein the server is further configured to reference one or more retail store locations for the shopper during the interaction (Figs. 38-43 and ¶¶0218-0129).

Referring to claim 13. Owens further discloses the system of claim 2 wherein the system further comprises a retail store map generating means for generating a retail store map route in response to input from the shopper (Fig. 40-B and ¶0218).

Referring to claim 14. Owens further discloses the system of claim 13 wherein the retail store map generating means is further configured to be responsive to other data as well as to the input from the shopper (¶¶0218, 0238 and 0239 – note that the other data comprise the item prices).

Referring to claim 15. Owens further discloses the system of claim 2, wherein the website is configured to be accessed through a personal computer (Fig. 4 and ¶¶0199-0200).

Referring to claim 18. Owens further discloses the system of claim 2, wherein the website is configured to be accessed through a portable computing device (Fig. 4 and ¶0202).

Referring to claim 19. Owens further discloses the system of claim 18, wherein the presenting means consists of downloading to the portable computing device (¶¶0002, 0025, 0202 and 0229).

Referring to claims 20-26. All of the limitations in method and apparatus claims 20, 23, 24 and 26 are closely parallel to the limitations of apparatus claims 1, 5, 6 and 15, analyzed above and are rejected on the same bases.



***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owens in view of Janakiraman et al, US 2002/0156804 A1 (hereafter referred to as "Janakiraman").**

Referring to claim 3. Owens discloses the system of claim 2, as discussed above, but does not explicitly disclose wherein the website is accessible by persons with disabilities. Janakiraman, in the same field of endeavor and/or relating to the same issue, discusses prior art of text content for multimedia presentation (§§0005-0006) and discloses a method, system and program for presenting multimedia data in a manner that is readily understandable and appropriate to persons with disabilities such as blindness or cognitive disabilities, including wherein the website is accessible by persons with disabilities by filtering graphical displays (§§0038-0044).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Owens to include the teachings of Janakiraman to allow for the website to be accessible to persons with disabilities. Doing so would allow for persons with disabilities to have access to website content so as to abide by federal, state and/or local

regulations requiring equal access to technology for persons with disabilities and so as to increase the pool of customers to the website.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Linker, US 2005/0097003 A1, which can also be used to reject claim 1, discloses a method and system for retrieving and formatting information, including a website, a server interconnected to the website and a presentation means coupled to the server, configured to have specifications for retail products input through the website, wherein the server is configured to pass product information and retail store information, including product location information about the specified retail products to the presentation means; and wherein the presentation means is configured to present a shopping guide which includes the product information and the retail store information, including the product location information (*see, e.g.*, Figs. 2 and 13 and pages 4-6).

(2) Miller, US 6,442,530 B1, discloses a system and method for mapping and conveying product location (*see, e.g.*, Abstract and cols. 2-6 and 10).

(3) Chermesino, US 2005/0154646 A1, discloses methods and systems for self-service shopping including receiving user profiles and item descriptions (*see, e.g.*, pages 2-4).

(4) Huang et al., US 6,959,319 B1, discloses a method and system for customizing web pages so as to be accessible to persons with disabilities (*see, e.g.*, cols. 2 and 5).

(5) Lokuge et al., US 2006/0122917 A1, discloses a method and system for providing product data to the customer, including product location (*see, e.g.*, pages 3-9).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ameer A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

November 8, 2006

  
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